

1996—Pub. L. 104-201 renumbered section 2795 of this title as this section and substituted “National Imagery and Mapping Agency” for “Defense Mapping Agency”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of this title.

**§ 455. Maps, charts, and geodetic data: public availability; exceptions**

(a) The National Geospatial-Intelligence Agency shall offer for sale maps and charts at scales of 1:500,000 and smaller, except those withheld in accordance with subsection (b) or those specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense or foreign policy and in fact properly classified pursuant to such Executive order.

(b)(1) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any geodetic product in the possession of, or under the control of, the Department of Defense—

(A) that was obtained or produced, or that contains information that was provided, pursuant to an international agreement that restricts disclosure of such product or information to government officials of the agreeing parties or that restricts use of such product or information to government purposes only;

(B) that contains information that the Secretary of Defense has determined in writing would, if disclosed, reveal sources and methods, or capabilities, used to obtain source material for production of the geodetic product; or

(C) that contains information that the Director of the National Geospatial-Intelligence Agency has determined in writing would, if disclosed, jeopardize or interfere with ongoing military or intelligence operations, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities.

(2) In this subsection, the term “geodetic product” means imagery, imagery intelligence, or geospatial information.

(c)(1) Regulations to implement this section (including any amendments to such regulations) shall be published in the Federal Register for public comment for a period of not less than 30 days before they take effect.

(2) Regulations under this section shall address the conditions under which release of geodetic products authorized under subsection (b) to be withheld from public disclosure would be appropriate—

(A) in the case of allies of the United States; and

(B) in the case of qualified United States contractors (including contractors that are small business concerns) who need such products for use in the performance of contracts with the United States.

(Added Pub. L. 102-88, title V, § 502(a)(1), Aug. 14, 1991, 105 Stat. 435, § 2796; amended Pub. L. 103-359, title V, § 502, Oct. 14, 1994, 108 Stat. 3430; renumbered § 455 and amended Pub. L. 104-201,

div. A, title XI, § 1112(b), Sept. 23, 1996, 110 Stat. 2682; Pub. L. 105-85, div. A, title IX, § 933(a), (b)(1), Nov. 18, 1997, 111 Stat. 1866; Pub. L. 106-398, § 1 [div. A], title X, § 1074], Oct. 30, 2000, 114 Stat. 1654, 1654A-280; Pub. L. 108-136, div. A, title IX, § 921(d)(2)(A), Nov. 24, 2003, 117 Stat. 1568.)

AMENDMENTS

2003—Subsecs. (a), (b)(1)(C). Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

2000—Subsec. (b)(1)(C). Pub. L. 106-398 substituted “, reveal military operational or contingency plans, or reveal, jeopardize, or compromise military or intelligence capabilities” for “or reveal military operational or contingency plans”.

1997—Subsec. (b)(1)(B). Pub. L. 105-85, § 933(a), inserted “, or capabilities,” after “methods”.

Subsec. (b)(2). Pub. L. 105-85, § 933(b)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “In this subsection, the term ‘geodetic product’ means any map, chart, geodetic data, or related product.”

1996—Pub. L. 104-201 renumbered section 2796 of this title as this section and substituted “National Imagery and Mapping Agency” for “Defense Mapping Agency” in subsecs. (a) and (b)(1)(C).

1994—Subsec. (b)(1)(C). Pub. L. 103-359 inserted “jeopardize or interfere with ongoing military or intelligence operations or” after “disclosed.”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-201 effective Oct. 1, 1996, see section 1124 of Pub. L. 104-201, set out as a note under section 193 of this title.

REGULATIONS

Pub. L. 102-88, title V, § 502(b), Aug. 14, 1991, 105 Stat. 436, directed that regulations to implement section 2796 (now 455) of this title be published in the Federal Register for public comment in accordance with subsec. (c) of that section not later than 90 days after Aug. 14, 1991.

**§ 456. Civil actions barred**

(a) CLAIMS BARRED.—No civil action may be brought against the United States on the basis of the content of a navigational aid prepared or disseminated by the National Geospatial-Intelligence Agency.

(b) NAVIGATIONAL AIDS COVERED.—Subsection (a) applies with respect to a navigational aid in the form of a map, a chart, or a publication and any other form or medium of product or information in which the National Geospatial-Intelligence Agency prepares or disseminates navigational aids.

(Added Pub. L. 103-337, div. A, title X, § 1074(b), Oct. 5, 1994, 108 Stat. 2861, § 2798; renumbered § 456 and amended Pub. L. 104-201, div. A, title XI, § 1112(b), Sept. 23, 1996, 110 Stat. 2682; Pub. L. 108-136, div. A, title IX, § 921(d)(2)(A), Nov. 24, 2003, 117 Stat. 1568.)

AMENDMENTS

2003—Pub. L. 108-136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency” wherever appearing.

1996—Pub. L. 104-201 renumbered section 2798 of this title as this section and substituted “National Imagery and Mapping Agency” for “Defense Mapping Agency” wherever appearing.